



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,604	04/03/2001	Anthony Aquila		3275
30764	7590	10/09/2007		
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP			EXAMINER	
333 SOUTH HOPE STREET			GILLIGAN, CHRISTOPHER L	
48TH FLOOR				
LOS ANGELES, CA 90071-1448			ART UNIT	PAPER NUMBER
			3626	
			MAIL DATE	DELIVERY MODE
			10/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/825,604	AQUILA ET AL.	
	Examiner	Art Unit	
	Luke Gilligan	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 July 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 25,73-78,80-82,84-89 and 91-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 25,73-78,80-82,84-89, and 91-93 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date: _____	6) <input type="checkbox"/> Other: _____

Response to Amendment

1. In the amendment filed 7/18/07, the following has occurred: claims 79 and 90 have been canceled and claims 25, 73, 80, 81, 84, 85, and 91 have been amended. Now, claims 25, 73-78, 80-82, 84-89, and 91-93 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 25, 73-78, 80-82, 84-89, and 91-93 are rejected under 35 U.S.C. 102(e) as being anticipated by Loveland, U.S. Patent No. 6,810,383.

4. As per claim 25, Loveland teaches a computer-implemented method of determining a type of assignee to whom to assign an insurance claim, the method comprising: receiving data related to the insurance claim, the data comprising a plurality of data elements, a data element serving as an assignment criterion (see column 14, lines 3-14); assigning a score to a first and second data elements based on scoring rules, wherein each data element includes one or more data from the group consisting of policy information, repair cost, and location of incident (see column 14, lines 35-44); determine an overall score of the insurance claim based on the assigned scores (see column 15, lines 2-9, the Examiner interprets the final result of project parameters being defined and appropriate rules applied to be a form of overall score of the claim); determining a class of the insurance claim according to classing rules (see column 14,

lines 37-39, the Examiner interprets type of loss to be a form of class of insurance claim); determining a type of assignee to whom to assign the insurance claim according to the application of business rules to the overall score of the insurance claim and the class of the insurance claim, wherein the business rules weight the class more highly than the score (see column 15, lines 22-28, column 15, lines 38-67 and column 16, lines 1-5, the type or class of claim is weighted more highly because only those service providers who are qualified to perform the project are matched based on the assignment process).

5. Claims 73-74, 76-77, and 81 contain substantially similar limitations to those already addressed in claim 25 and, as such, are rejected for similar reasons as given above.

6. As per claim 75, Loveland teaches the method of claim 73 as described above. Loveland further teaches the claim score reflects a severity of the insurance claim (see column 14, lines 42-43).

7. As per claim 78, Loveland teaches the method of claim 73 as described above. Loveland further teaches an assignee comprises an element of a group comprising a repair facility (see column 11, lines 46-49).

8. As per claim 80, Loveland teaches the method of claim 73 as described above. Loveland further teaches an effect of the first data element on the claim score is greater than an effect of the second data element on the claim score (see column 15, lines 38-57).

9. As per claim 82, Loveland teaches the method of claim 73 as described above. Loveland further teaches determining a first set of profiles, wherein each profile in the first set represents a potential assignee of the determined type, and wherein each profile in the first set includes a profile score (see column 15, lines 52-57); determining a second set of profiles, wherein the second set contains profiles in the first set that have the highest profile scores, and wherein each profile in the second set includes a measure of capacity to complete the insurance

Art Unit: 3626

claim (see column 15, lines 58-67); and determining, from the second set of profiles, a profile with the largest measure of capacity (see column 16, lines 1-3).

10. Claims 84-89 and 91-93 contain substantially similar computer program product limitations to method claims 73-78 and 80-82 and, as such, are rejected for similar reasons as given above.

Response to Arguments

11. Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3626

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (571) 272-6770. The examiner can normally be reached on Monday-Friday 8am-5:30pm.
15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/30/07



C. LUKE GILLIGAN
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600